

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE CONFEDERATED TRIBES
AND BANDS OF THE YAKAMA
INDIAN NATION, et al.,

Plaintiffs,

v.

CHRISTINE GREGOIRE,
Governor of the State of Washington,
et al.,

Defendants.

NO. CV-08-3056-LRS

**ORDER GRANTING
MOTION FOR PROTECTIVE
ORDER AND TO QUASH
SUBPOENAS, *INTER ALIA***

Telephonic argument was heard on May 15, 2009. This order memorializes the court's rulings made at the conclusion of the argument. For the reasons stated on the record, Plaintiffs' "Motion To Compel Production Of Documents And Attendance Of Witnesses For Depositions By Oral Examination" (Ct. Rec. 60) is **DENIED** without prejudice, Defendants' "Motion For Protective Order And To Quash Subpoenas" (Ct. Rec. 74) is **GRANTED**, and the United States' "Motion To Quash Subpoenas" is **DISMISSED as being moot**.

The United States is not restrained from taking enforcement action related to alleged violations of the Federal Contraband Cigarette Trafficking Act. Furthermore, at this juncture, the court finds the depositions and records sought by Plaintiffs are not likely to lead to the discovery of admissible evidence that the State of Washington Defendants have violated the temporary restraining order dated September 12, 2008, as the federal prosecution in *United States v. Smiskin*,

**ORDER GRANTING MOTION
FOR PROTECTIVE ORDER -**

1 CR-09-2038-FVS, pertains to alleged illegal conduct that occurred between 1999
2 and 2004. The court also finds there is a significant risk that the discovery sought
3 could improperly hinder and obstruct the federal criminal action.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter
5 this order and forward copies to all counsel of record.

6 **DATED** this 15th day of May, 2009.

7 *s/Lonny R. Suko*

8 _____
9 LONNY R. SUKO
United States District Judge